



**MINUTES OF THE PROCEEDINGS OF THE PLANNING
COMMISSION OF THE CITY OF STACY IN THE COUNTY
OF CHISAGO AND THE STATE OF MINNESOTA
PURSUANT TO DUE CALL AND NOTICE THEREOF**

**REGULAR MEETING
JULY 17, 2012, 7:00p.m.
STACY CITY HALL**

Call to Order

The Planning Commission was called to order by Chair Mark Ness at 7:00pm. Chair Mark Ness announced that alternates Tony Olivolo and Mark Utecht will be full voting members in the absence of the full regular commission.

Roll Call

Present: Mark Ness, Jim Ness, and Jim Kultala (at 7:05)

Present Alternates: Tony Olivolo, and Mark Utecht

Absent: Dan Winberg, and Jim Clay

Absent Alternates: None

Others Present: Peter Grundhoefer, Greg Oden, Jeff Allan, and, Mel Aslakson

Approval of Agenda

Additions to the agenda:

Parking Setbacks

Hockey Association Sub Development

Flashing Red Lights at Four-Way Stop

Motion by Jim Ness to approve the agenda as amended. Second by Mark Utecht. Jim Ness, Mark Utecht, Mark Ness, and Tony Olivolo voted yes. Member Jim Kultala was absent for the motion. Chair Mark Ness declared the motion carried.

Approval of Minutes

Motion by Jim Ness to approve the minutes as amended. Second by Tony Olivolo. Jim Ness, Tony Olivolo, and Mark Ness voted yes. Mark Utecht abstained as he was not at the June 19th meeting. Jim Kultala absent for the motion. Chair Mark Ness declared the motion carried.

Public Hearing – A1 Tire 7:05-7:24pm.

Chair Mark Ness recessed the Planning Commission meeting and called the Public Hearing to order at 7:05pm for A1 Tire, 5363 Stacy Trail.

A1 Tire is seeking an amendment to their conditional use permit to allow a semi-trailer on the east side of the office building for tire storage as well as the sign attached to the trailer and tractor tire on the roof; allow an outside tire rack on the south side of the shop for used tractor tires.

Mr. Selvog was not present at the meeting.

Member Mark Utecht said that he is torn; he wants to do what he can to support the businesses in Stacy; but also does not want to set precedence for outside storage by utilizing a trailer for storage.

Member Jim Ness said that the previous council already set precedence by allowing the ocean container for storage. His concern is the safety of outside storage with the close proximity to the teen center.

Mark Ness said that Mr. Selvog agreed to chain the tires to the rack and place some kind of protective cover over the ends to limit accessibility. However, anything he does would also be easy for the kids to remove.

Mark Utecht said that he was not worried about the safety; his concern is that other businesses can't have outside storage. We're treating one business different from another.

Mel Aslakson said there are semi-trailers parked all over the city.

A semi-trailer when parked is part of a commercial business; when it becomes permanent it becomes something else that is not defined in code. If it is used for storage in the operation of the business then it becomes permanent.

The issue expressed by the Building Inspector is that the current Conditional Use Permit states that "the storage of vehicles and vehicle parts and accessory equipment must be completely inside the principal structure."

The ocean container was allowed by an amendment to the original conditional use permit. The semi-trailer with the tractor tire on top changes it into a marketing object. If the tire were removed, it would look like the semi-trailer is moveable and not of a permanent nature.

Member Mark Utecht said that he does not see a justification in our ordinance to grant the request; if the ordinance does not specifically allow the use then it is considered prohibited.

The tire has to come off the semi-trailer, remove sign from semi-trailer then the trailer becomes a delivery device.

**Action on the Public Hearing
for A1 Tire**

The property owner (Kramer Mechanical) has not signed the application. The clerk communicated to Mr. Selvog that Kramer Mechanical would have to sign the application. The clerk noted that Mr. Selvog did not own the property when doing a search of the tax records at Chisago County.

The commission cannot take any action on the amendment to the conditional use permit without the property owner's signature.

Motion by Mark Utecht to send the applicant a letter requesting a 60 day extension to act upon his application; stating the application is not complete without the property owner's signature. Second by Jim Ness. Mark Utecht, Jim Ness, Jim Kultala, Tony Olivolo, and Mark Ness voted yes. Chair Mark Utecht declared the motion carried.

**Public Hearing – Sunrise
Auto Sales 7:35-7:50pm**

Chair Mark Ness recessed the Planning Commission meeting and called the Public Hearing to order at 7:35pm for Sunrise Auto Sales, 30995 Forest Boulevard.

Sunrise Auto Sales is seeking an amendment to their conditional use permit to allow full service auto repair including oil changes.

The member's noted:

- They did not have an issue with auto repair as long as Sunrise Auto Sales complies with all State, Federal, and Local rules.
- There isn't much difference between them servicing the cars they have for sale and cars from the outside.
- Is parking sufficient to accommodate for sale cars and cars being repaired.
- Emergency vehicle access has to be maintained at all times.

**Action on the Public Hearing
- Sunrise Auto Sales**

Motion by Mark Utecht to recommend that the City Council approve the amendment to the conditional use permit to allow automotive repair with the following recommendations:

1. All excess material generated by the shop is stored in two 55 gallon drums, to be disposed of weekly or sooner.
2. Shop area to be used for automotive repair.
3. Follow all City, State, and Federal laws and regulations pertaining to the operating an automotive sales and repair business.

Second by Jim Kultala. Mark Utecht, Jim Kultala, Jim Ness and Mark Ness voted yes. Member Tony Olivolo abstained. Chair Mark Ness declared he motion carried.

Garages in Mobile Home Park

This item handled out of order by motion of Tony Olivolo. Second by Jim Ness and carried.

Jeff Allen, manager of the mobile home park, was present regarding allowing garages on some lots in the mobile home park; as well as mini-storage for tenants in the mobile home park. He said this will help to keep properties in neat appearance.

A text amendment to the city code will need to be done to allow mini-storage in the mobile home park district.

Four Way Stop

This item handled out of order by motion of Mark Utecht. Second by Jim Kultala and carried.

Mr. Aslakson expressed concern to the safety at the four-way stop; the semis just fly through there.

The Planning Commission forwarded this onto the City Council.

Wind Turbines

Motion by Mark Utecht to table until the next meeting. Second by Tony Olivolo. Mark Utecht, Tony Olivolo, Jim Ness, Jim Kultala, and Mark Ness voted yes. Chair Mark Ness declared the motion carried.

Private Wells

The council would like to not allow private wells in the city that are serviced by city utilities; they can maintain what they have but no additional wells can be constructed in those areas.

A sample ordinance from another city was presented; the city attorney will review to see if it meets the needs of Stacy.

Chair Mark Ness disagrees on principal; it is limiting the right of someone to use their land.

Member Mark Utecht said that Mark Ness had a valid argument however, his concern is the cross contamination that could occur into the city's water supply.

Motion by Mark Utecht to table the item until September and invite Jack Kramer, Chuck Schwartz, and Peter Grundhoefer to attend the meeting and be prepared to discuss private wells to properties served by city utilities. Second by Jim Ness. Mark Utecht, Jim Ness, Jim Kultala, Tony Olivolo, and Mark Ness voted yes. Chair Mark Ness declared the motion carried.

Curb Stops in Driveways

If the curb stop is paved, have to follow the engineering design standards and if the driveway has to be dug up then the property owner is responsible for all restorations.

A public hearing was set up for August 21, 2012, to consider making a text amendment to the city code regarding curb stops in driveways. The public hearing will be held concurrently with the conditional use permit updates.

The clerk was directed to have the city attorney prepare a draft code update.

Conditional Use Permit Application

This item handled out of order by motion of Mark Utecht. Second by Jim Ness and carried.

Public Hearing set for August 21, 2012, at 7:05pm. Also update to city code section 31.07 to be included.

31.07 will change the court of appeals from the Planning Commission to the City Council to be consistent with the rest of the city code. Concern regarding how close a car can park next to a house; fire hazard expressed.

Parking Setbacks

After further discussion it was determined that the best way to address the concern may be from the viewpoint of where auto repairs can take place on a property rather than where they are parked. Example: auto repair cannot take place within X feet of structure not located on your property.

Hockey Property

This item handled out of order by motion of Jim Ness. Second by Mark Utecht and carried.

The council asked the Planning Commission to hold a public hearing on subdividing the hockey arena land; this would allow the city to sell the property to the North Branch Hockey Association.

A public hearing was set for August 8, 2012, at 7:00pm. A special meeting will be held immediately following the public hearing to take action by the Planning Commission.

Adjourn at 9:50 pm.

Chair Mark Ness declared the meeting adjourned at 9:50pm.


Sharon MT Payne